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SUBJECT: MOZAMBIQUE ADOPTS COMPREHENSIVE ANTI-TIP LAW:  
FIRST IN SADC

REF: A) MAPUTO 261 B) MAPUTO 190 C) 07 MAPUTO 1293 D)  
07 MAPUTO 1060 E) 07 MAPUTO 886

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SUMMARY  
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¶1. (SBU) On April 10, Mozambique's National Assembly unanimously passed an anti-Trafficking in Persons (TIP) law, becoming the first country in SADC to adopt such comprehensive legislation. The adoption was the result of a "perfect storm" in recent months, including a constant lobbying effort by USG officials and civil society groups coupled with a highly publicized TIP case in March (ref A) that shocked and angered all levels of society. Mozambique's law is considered strong by international standards and could serve as a model for other countries in the region, particularly in the run-up to the 2010 FIFA World Cup in South Africa. The next step in the process is to ensure that the law is widely disseminated and that police officials, border guards, and judicial sector workers receive appropriate training on prosecution, protection, and prevention methods. The passage of the law is a monumental achievement for the GRM, and the Embassy will continue to support these efforts with existing and future program funding. END SUMMARY.

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THE PERFECT STORM  
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¶2. (U) The National Assembly's unanimous approval on April 10 of the TIP legislation capped a remarkable turn of events that began with the January case of 39 children found being transported in squalid conditions, ostensibly to a madrassa that did not know they were coming (ref B). The case was reported widely in the press, and civil society groups argued strongly that the children were victims of trafficking. Although the Attorney General ultimately decided the case did not involve trafficking, the ensuing public debate reignited discussion on the status of the draft law.

¶3. (SBU) Following a meeting with the head of the Legal Affairs and Human Rights Committee in August 2007 (ref D), Post arranged a meeting between the Charge and President of the National Assembly Eduardo Mulembwe. The strategy was to encourage the Assembly President to schedule the draft law for debate during the first legislative agenda of the year. Unfortunately, by the time the meeting occurred on February 26, the agenda had been finalized without the inclusion of the draft law. The Charge reminded Mulembwe of USG technical assistance in drafting the law, reiterated the importance of Mozambique being the first country in SADC with a comprehensive law, and strongly urged that an addendum be made to the legislative agenda. Within a week, we received a copy of an addendum which placed the law on the current

agenda for discussion, and Mulembwe called the Charge to assure that this issue would be addressed by the National Assembly.

¶4. (U) On March 20 Mozambique Television (TVM) reported on the case of two Mozambican girls trafficked to South Africa. TVM's report brought a more human face to the debate, and the details surrounding the apprehended trafficker and her recruiting and detention techniques sent shockwaves throughout the country. For the first time the issue was being discussed at all levels of society, opening inroads for further lobbying on the need for a law. In the weeks since the TVM report, the press has run almost daily articles on updates to the case, the need for a law, and at least four new reported cases of trafficked Mozambican children. These developments demonstrate that awareness of the issue is on the rise, and the police are responding better and appear to be working more closely with NGOs on the issue.

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NOTES ON THE LAW  
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¶5. (U) While the National Assembly approved the law, it did so with the understanding that some technical revisions still needed to be made by the Ministry of Justice regarding penalties. The law originally punished those involved in trafficking with prison sentences of 8-12 years. However, following the exposure of the March 20 case by TVM, lawmakers decided that stiffer penalties were necessary. One amendment states that anyone who "recruits, transports, shelters, provides or receives a person by any means, including on the pretext of employment in the country or abroad, for purposes of prostitution, forced labor, slavery, or involuntary or

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debt servitude" will be punished with 16-20 years' imprisonment. Once proposed revisions are finalized by the Ministry of Justice, they will be resubmitted to the National Assembly, which will then proceed with a final discussion and vote to include the revisions in the approved version of the law.

¶6. (U) Other notable prison penalties encompassing the law include 8-12 years for those who rent buildings to be used in connection with human trafficking, two to eight years for those using any form of publicity to promote trafficking, and two to eight years for anyone who confiscates, hides, or destroys passports or travel documents of those being trafficked. Prosecutions will not rely on whether a victim files an official complaint, or whether a victim or guardian provides consent. In addition to penalties, the comprehensive law outlines protection and prevention measures. Witnesses and whistleblowers will receive special protection, victims' identity will be protected, and the government will provide shelter, medical and psychological care, legal advice, and reintegration support. The GRM will budget approximately USD 360 thousand for the enforcement of the law.

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NEXT STEPS  
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¶7. (SBU) Civil society groups in Mozambique are now focused on several major "next steps:" widely disseminate the law, train police, border guards, and judicial officials, and use the new law as a model for other SADC countries to adopt before the 2010 FIFA World Cup. Dissemination will be a challenge considering the size of the country, lack of infrastructure, and low literacy rates, but help is coming from unexpected sources. Radio Mozambique, still the primary source of information for most Mozambicans, sent a congratulatory letter to civil society groups that worked on the law and offered its 15 channels (broadcast in 20 local languages and Portuguese) as a medium for disseminating

information. In addition, several multilateral organizations are working with the diplomatic corps to coordinate training assistance for the police, border guard, and judicial officials.

18. (U) One Mozambican NGO is already looking toward the 2010 FIFA World Cup. The Southern African Network against Trafficking and Abuse of Children (SANTAC) has begun organizing resources to advocate for anti-TIP laws in other SADC countries using the recently adopted Mozambican law as a model. SANTAC would like all SADC countries to have a comprehensive law before the start of the World Cup, particularly following reports that upwards of 50,000 prostitutes from numerous countries were in Germany for the 2002 World Cup. Mozambique's proximity to South Africa, the porous border crossings, and the already-established trafficking networks increase the risk that large numbers of Mozambican girls may be trafficked to South Africa for the World Cup.

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COMMENT  
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19. (SBU) The unanimous passing of the anti-TIP law is a monumental achievement for the GRM and Mozambican civil society. USG technical assistance and consistent diplomatic engagement complemented the collaboration between the GRM and a determined civil society. The USG's growing financial assistance programs in the country also provided post with significant leverage. In the closing months, the GRM acted with uncharacteristic swiftness. Post is ready to do more to assist the GRM and Mozambican civil society in the next stages of dissemination and training, and intends to use existing and future program funding to that end.  
Chapman